

**REMARKS**

This is responsive to the Office Action dated December 4, 2001, and the personal interview between the undersigned attorney and the Examiner on March 5, 2002. Applicant greatly appreciates the courtesy and cooperation of the Examiner during the interview and the examination of this application.

Election/Restriction

The Office Action indicates that the prior restriction requirement is made final and that Groups 2 and 3 have been rejoined because they are considered by the Examiner to be directed to substantially the same invention. Applicant appreciates the rejoinder of Groups 2 and 3 and has cancelled herein Claims 32-40, without prejudice, in that they are directed to non-elected claims.

Oath/Declaration

The Office Action indicates that the Oath/Declaration is defective because it does not identify the post office address of the inventors. Applicant is providing herewith a substitute Declaration, Power of Attorney, and Petition form which is executed by the inventors and clearly indicates a post office address of each inventor along with the appropriate zip code designation.

Abstract

The abstract of the disclosure was objected to because of identified informalities. Applicant has provided a new abstract herein with the suggested changes in the Office Action to thereby overcome this objection.

Specification

The disclosure was objected to because of identified informalities in the specification. Applicant has addressed the identified informalities as well as amended the specification for consistency and clarity with respect to terminology and the identification of various features and components of the invention. As a result, Applicant respectfully asserts that the objections to the specification have been overcome without adding new matter.

As part of the amendments to the specification, Applicant has introduced new reference numerals for specific features of the invention. Accordingly, enclosed herewith is a copy of FIG. 1 showing proposed changes in red ink. Applicant respectfully requests approval of these drawing changes.

Section 112 Rejections

Claims 26-31 were rejected under 35 U.S.C. §112, second paragraph, as being allegedly indefinite and specific problems with those claims were identified in the Office Action. During the interview between the Examiner and the undersigned

attorney, the Section 112 objections were discussed as well as language to overcome those objections. The claims have been amended herein to address the Section 112 problems as well as to clarify the claimed invention and use terminology that is consistent with the description of the invention in the specification as amended. As such, Applicant respectfully asserts that the Section 112 rejections have been overcome.

#### Section 103 Rejections

Claims 26-31 were rejected under 35 U.S.C. §103(a) as being unpatentable over Schafer (U.S. Pat. No. 5,492,398). During the interview with the Examiner, the Examiner indicated that if Claim 30 were clarified to define that the front portion and rear portion of the dispenser each have their own separate hinge connection to another portion of the housing, that such a structure would define over Schafer. As such, Applicant has amended the only independent claim pending in this application, Claim 26, to incorporate those substantive aspects of Claim 30. Specifically, Claim 26 as amended herein specifically recites that "the front and rear covers are each hingedly coupled to a remainder of the housing to open outwardly from the remainder of the housing and permit access to the inside of the housing." Applicant respectfully asserts that Schafer and the other prior art of record fail to disclose a ticket dispenser in which front and rear portions, such as the front and rear covers 34, 30,

shown in FIGS. 1 and 2 of Applicant's specification. Since the substance of Claim 30 has been incorporated into independent Claim 26, Claim 30 has been cancelled. Therefore, Applicant respectfully asserts that each of the pending claims, 26-29 and 31, are patentable over the prior art of record.

### **Conclusion**

As a result of the amendments to the claims and the remarks given herein, applicant respectfully asserts that the various objections and rejections of claims 26-29 and 31 have been overcome. Further, applicant asserts that claims 26-29 and 31 as amended herein are allowable and request notification of same at the Examiner's earliest convenience.

If the Examiner feels that any matter in this case requires further attention prior to issuing a Notice of Allowance, he is respectfully asked to telephone the undersigned attorney so that the matter may be promptly resolved.

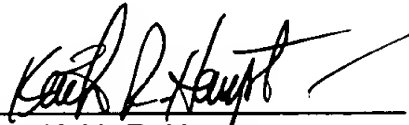
Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page(s) is/are

Appl. No. 09/738,234

captioned "Version with markings to show changes made."

Respectfully submitted,

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**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

The title has been amended as follows: Counter[-]Top Ticket Dispenser,  
Display, and Writing Stand [and Method].

The first and second sentences of the Abstract have been amended as follows:

A relatively tall embodiment of [the] a lottery ticket dispenser with a small footprint is fitted onto the countertop of a check-out counter of a retail store. The [top of the housing] dispenser includes a housing, the top of which is flat so as to provide a convenient place for customers to write checks with the tickets being displayed immediately below being highly visible to the customer.

**In the Specification:**

The paragraph beginning at page 3, line 13, has been amended as follows:

In accordance with the present invention, the foregoing objects are met by the provision of a ticket dispenser [housing] which has a housing including a hinged [transparent] front cover forming the top and [one side wall] portions of the side walls of the housing, and another hinged rear cover forming the [opposite or front wall] complementary portions of the side walls of the housing, so that the [transparent] front cover can be lifted to give access to the ticket storage area, and the [front] rear cover can be rotated away to give access to the dispensing portion of the housing.

The first sentence of the paragraph beginning at page 6, line 6, has been amended as follows:

The unit 20 includes a pair of side [panels] walls 28 made of cast aluminum or other strong, secure material, with a curved portion 29 protruding out over the side-rail 24 of the check-out counter 22, or flush with the front of the counter depending on the installation.

The paragraph beginning at page 6, line 18, has been amended as follows:

The dispensing unit 20 [also] includes a [hinged transparent] housing with a front cover 34 (see FIG. 2) which is hinged to the housing [structure] at 46 so as to fold to the left and away from the interior of the dispenser housing to give access to the interior for replenishing tickets, service, etc.

The paragraph beginning at page 6, line 22, has been amended as follows:

The housing of the unit 20 also includes hinged [front wall structure] rear cover 30 which has a pair of side panels each having a forward edge 43 and a sloping edge 45. The cover [34] 30 is hinged to the housing [structure] at 40.

The first paragraph beginning at page 7 has been amended as follows:

The [end plates] side walls 28 have an angular reinforcing rib 32 along a portion of the rear edge of the [plate] front cover 34. The edges 45 and 43 of the [front] rear cover 30 abut against the ribs 32 when the [cover] covers 30, 34 [is] are closed.

The paragraph beginning at page 7, line 4, has been amended as follows:

— When the cover 34 is closed it is seated against a ledge 48 formed around the [inner] periphery of each of the [end plates] side walls 28.

The first sentence of the paragraph beginning at page 7, line 20, has been amended as follows:

As it is shown in FIGS. 1 and 2, the top [34] portion 34a of the front cover 34 of the housing is flat.

The paragraph beginning at page 8, line 1, has been amended as follows:

Preferably, the cover 30 can be locked in place. Preferably, an edge of the cover 30 overlies the [front] edge of the cover 34 so as to lock the housing and prevent unauthorized access.

The paragraph beginning at page 8, line 4, has been amended as follows:

FIG. 3 is a front elevation view of the [front] rear cover 30 showing its rear wall 31 with a thin slot<sup>50</sup> extending across most of the width of the housing, through which ← tickets can be dispensed.

The paragraph beginning at page 8, line 7, has been amended as follows:



Referring again to FIG. 1, four strips of tickets 47, 49, 51 and 53 are stored in the housing. [The] A transparent portion 34b of the front cover 34 allows the customer to clearly see the tickets in the four channels of the dispenser mechanism, whether or not the top is used as a writing surface. --

The paragraph beginning at page 11, line 20, has been amended as follows:

To form the larger dispenser 116, an insert 176 forming another section [176] of the housing is fastened between the left and right sections, with suitable fastening means, like those used to fasten the right and left sections together. --

In the Claims

26.(TWICE AMENDED) A countertop ticket display dispenser structure for dispensing tickets comprising:

- (a) a housing having a front [wall] cover, a rear [wall and a top wall] cover, and a ticket dispensing ticket outlet;
- (b) a store checkout counter having a counter top with a customer side for a customer and a clerk side for a clerk;
- (c) said [top wall of said] housing having a flat [section] portion for accommodating [at least as large as] a typical bank check [with a surface] for said customer to write [a] the bank check on it;

(d) said front cover [housing] having a transparent [front wall] portion through which said tickets can be seen from said customer side and [a rear wall portion in which] said outlet [is] being located on the rear cover; and

(e) said housing being mounted adjacent said counter top with said front [wall] cover facing said customer side, [and] said rear [wall] cover facing said clerk side, and said [top wall] flat portion accessible to said customer at said customer side of said counter;

wherein the front and rear covers are each hingedly coupled to a remainder of the housing to open outwardly from the remainder of the housing and permit access to the inside of the housing.

27.(AMENDED) A dispenser structure as in Claim 26 including structure inside said housing for storing and holding said tickets so as to be visible through said transparent [front wall] portion, and for guiding said tickets towards said outlet.

28.(TWICE AMENDED) A dispenser structure as in Claim 26 in which said checkout [countertop] counter top has an edge at said customer side, and a rail extending above said edge, and in which said transparent [front wall] portion extends over said rail adjacent said edge.

29.(AMENDED) A dispenser structure as in Claim 26 in which said tickets are strip-form gaming tickets, a plurality of strips of said tickets being located and displayed side-by-side in said housing so as to be exposed to the customer through said transparent [front wall] portion.

31.(TWICE AMENDED) A dispenser structure as in Claim 29 [including] further comprising: a plurality of said outlets, one for each of said strips; and [, each outlet being located near said top wall of said housing, including] guide means for guiding the passage of said strips upwardly adjacent said transparent [front wall] portion so as to display said ticket strips to said customer as said tickets move towards said outlets.